

CITY-COUNTY GENERAL ORDINANCE NO. 144, 1975

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 75-AO-1

AMENDMENT TO HOME OCCUPATION REGULATIONS

OF

DWELLING DISTRICTS ZONING ORDINANCE

OF MARION COUNTY, INDIANA

(ORDINANCE 66-AO-2, AS AMENDED)

METROPOLITAN DEVELOPMENT COMMISSION

1975

Officially adopted -- 10/6/75.

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*AN ORDINANCE* to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL  
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA*

Section 1. That Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and all zoning ordinances adopted as parts thereof or amendments thereto, including the Dwelling Districts Zoning Ordinance of Marion County, Indiana (Ordinance 66-AO-2), as amended, pursuant to I.C. 1971, 18-7-2 and I.C. 1971, 18-4-10, be amended as follows:

That section 2.16 of said Dwelling Districts Zoning Ordinance of Marion County, Indiana (Ordinance 66-AO-2) be amended to read as follows:

## SECTION 2.16 HOME OCCUPATIONS

### A. PERMITTED HOME OCCUPATIONS

Certain professions and domestic occupations, crafts and services defined below as "permitted home occupations" shall be permitted in all Dwelling Districts (except the D-11 District) and in any other zoning district in Marion County permitting dwelling uses, provided that each such home occupation complies with all requirements set forth in section 2.16, B hereof.

Professions and domestic occupations, crafts or services which, as typically carried out, can be conducted in a dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties, are permitted home occupations. Examples of professional services which constitute permitted home occupations include law, medicine, dentistry, architecture, engineering, real estate brokerage, tutoring, writing, painting, music instruction, photography and services such as are provided by clergymen, insurance agents, notaries public and manufacturer's agents. Examples of domestic occupations, crafts and services which constitute permitted home occupations include dressmaking, millinery, sewing, tailoring, weaving, hair grooming, washing, ironing and cabinet making.

### B. HOME OCCUPATION REQUIREMENTS

Permitted home occupations shall comply with each of the following requirements:

1. The primary use of the dwelling unit shall remain residential.
2. The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than six hundred (600) square feet or thirty percent (30%) of the total square footage of the dwelling unit, whichever is lesser, shall be used in the conduct of the home occupation(s). The six hundred (600) square feet or thirty percent (30%) area which may be used in the conduct of the home occupation(s) shall include all areas of the dwelling unit which are in any way devoted to the operation or conduct of the home occupation.
3. All aspects of the home occupation activity that occur on the premises shall be conducted within the dwelling structure in which the operator makes his actual residence. For purposes of this section, only those areas completely enclosed by walls and under the same roof system as the living quarters shall be considered a part of the "dwelling structure".
4. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence. This means that the operator shall, in addition to making the dwelling unit his place of "legal" residence, also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation is being conducted than are carried out at any other place.

5. No one may participate in or assist with the conduct or operation of a home occupation except:
  - a. Individuals who meet the same residence requirements, set forth in paragraph 4 above, as must be met by the operator of the home occupation.
  - b. A non-resident assistant, subject to the following requirements and limitations:
    - (1) Participation by the non-resident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation -- as, for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician.
    - (2) The non-resident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.
    - (3) Participation by the non-resident assistant shall be limited to forty-five (45) hours per week.
    - (4) No more than one (1) non-resident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a non-resident assistant shall be permitted for only one of the home occupations.
6. No structural alterations shall be effected to the interior of the dwelling which would render it undesirable for residential use.
7. No structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted.
8. No additional or separate exterior entrance shall be constructed for the purpose of conducting the home occupation.
9. The dwelling shall not be a mobile dwelling unit.
10. The home occupation(s) shall not regularly attract more than four individuals simultaneously onto the premises for reasons related to the home occupation and shall not generate vehicular traffic substantially greater than that normally generated by activities in the adjacent residential area.

11. No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling District, shall be permitted. No part of a minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway, to serve such home occupation, shall be permitted.
12. No display of goods or external evidence of the home occupation shall be permitted other than an identification sign as permitted by the Sign Regulations of Marion County, Indiana, Ordinance 71-AO-4 section 14.04-4 (2).
13. No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:
  - a. A reasonable number of samples needed in the home occupation, or
  - b. Those goods, commodities or stock in trade, a substantial portion of the value of which is or will be attributable to work or services performed by the operator of the home occupation on the premises as a part of the operation of the home occupation.

Nothing in this paragraph shall be deemed to preclude receipt, retention, use or storage of:

- a. Equipment or devices, such as medical instruments in the case of a physician, necessary to the conduct of the home occupation;
  - b. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;
  - c. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation; or
  - d. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or serviced by the operator of the home occupation on the premises.
14. No electrical or mechanical equipment shall interfere with local radio and television reception.
  15. Hours of operation of the home occupation shall not interfere with the use and enjoyment of adjacent residential properties.
  16. Permitted home occupations shall comply with all standards set forth in section 2.00, B.

17. No permitted home occupation shall interfere with the reasonable use and enjoyment of adjacent residential properties.

Section 2. That an emergency exists for the passage of this ordinance and the same shall be in full force and effect from and after its passage.

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA

Date October 6, 1975

Attest: Jean A. Wyttenbach  
(Clerk)

Beurt SerVaas  
President (or Presiding Officer)